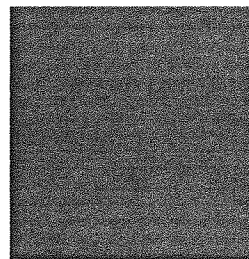


Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
<http://www.ci.burlington.vt.us/planning/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David E. White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager/Planner
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Associate Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, Associate Planner
RE: 142-144 North Champlain Street; ZP 11-0808CA/MA
Date: May 10, 2011

File: ZP 11-0808CA

Location: 142-144 North Champlain Street

Zone: NMU **Ward:** 3

Date application accepted: April 22, 2011

Date of (fire) catastrophe: February 13, 2010

Applicant/ Owner: John Stuart McGowan / Bill and Shane Bissonette

Request: Construction of new 6 unit apartment building on vacant corner; site improvements.

Background:

- **Zoning Permit 10-0685CU;** One-year permit extension for redevelopment. Approved April, 2011.
- **Zoning Permit 10-0685CU,** Demolition of fire-damaged structure. Approved April 12, 2010. (See time extension, above.)
- **Zoning Determination of Non-Applicability 10-0620NA;** Replace seven wood double hung 1/1 windows with new. Match existing size, location, design and materials. Issued February 4, 2010.
- **Zoning Permit 10-0242CA;** Change of use from retail store to residential three bedroom apartment. Replace two windows for egress. Approved September 24, 2009. Permit has been relinquished by owner. (Change of use never exercised; applicant withdraws.)
- **Zoning Permit 07-621CU,** Condition use approval to change use from printing shop to retail clothing store. Approved July 2007.
- **Zoning Permit request P78-129,** request to change use from Non-conforming locksmith shop to non-confirming taxi office (Benway's.) Request **denied.** October, 1978.
- **Request to convert existing commercial use with a dwelling unit to total residential.** Parking inadequate. Request **withdrawn.** December 1978.
- **Zoning Permit request to continue non-conforming use to occupy half of the first floor as a legal office.** (Remainder of first floor vacant; upstairs is a three bedroom apartment.) **Approved,** February 1979.
- **Zoning Permit 82-412, Change of use of barber shop area to residential.** (Law office and upstairs residential remain.) **Approved,** 1982.

Overview: This is a vacant lot. The previous structure, with two residential units and a ground floor commercial use, was catastrophically damaged by fire **February 13, 2010**, and both the fire marshal and the building inspector ordered the building demolished to protect the public health and safety. A one-year time extension for redevelopment was approved April 2011; allowing a window of consideration to capture non-conformities enjoyed by the previous site and structures.

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

None identified.

(b) Topographical Alterations:

The site is dirt; plain and featureless. No changes to topography are proposed.

(c) Protection of Important Public Views:

The proposed replacement structure will re-create the historic pattern of buildings hugging major corners in the Old North End; and visually continue the view-corridor north-south on Champlain Street, and east-west on North Street.

(d) Protection of Important Cultural Resources:

The historic building was lost to fire. There are no historic resources extant.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application will prevent the use of solar, wind, water, or other alternative energy mechanisms at the site.

(f) Brownfield Sites:

None identified.

(g) Provide for nature's events:

The applicant will be required to provide a Small Project Sediment and Erosion Control plan, to be reviewed by the City Stormwater Administrator prior to release of the zoning permit.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The plan provides for covered entrance porches on the south elevation for resident comfort and shelter from inclement weather. There is a limited area at the southeastern portion of the site for snow storage during winter months, if dumpster location does not prevent that consideration. This needs to be clarified.

(h) Building Location and Orientation:

The introduction of a new building at this site will maintain the existing development pattern and rhythm of structures along the existing North Street streetscape. The proposed new building and will be aligned with the front façade of neighboring buildings to the east and south to reinforce the existing “street-edge,” located in such a way that complements existing natural features and historic building pattern. The existing sidewalk will be retained and provide ample flow for pedestrian traffic both to the east and south. The building design features architectural recesses and articulations at the

street-level that reflect common articulations found in the neighborhood, successfully maintaining the existing street wall.

Design modifications have included a main unit entrance facing and clearly identifiable from North Street.

The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

The proposal executes this directive exactly; bringing the building directly up to the corner, filling the void created by the fire, and replicating the neighborhood pattern of development.

(i) Vehicular Access:

The site has an existing access drive off North Champlain Street. It is proposed for continued use in the redevelopment of the site.

(j) Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

Access will continue from the public sidewalks on North Street and North Champlain Street. Curbstops are recommended to further define the separation between pedestrians and vehicles.

(k) Accessibility for the Handicapped:

The applicant has offered to assign one ground floor unit as handicap accessible.

(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active pedestrian-oriented uses.

The application proposes to replicate the previous parking arrangement, with 5 parking spaces directly off North Champlain Street. A small area for landscaping is proposed as a minor break between the public sidewalk and the parking area. This replicates a previous condition for the very constrained site.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

This is an extremely constricted and contained site (2978 sf.) with a history of active commercial and residential use. Previous permitting recognized the inherent challenges of the site, and allowed for flexibility in access and parking due to the existing conditions. (See Zoning Permit 07-621CU.) Although the proposed parking plan does not meet the guidelines for vehicular back-up area as

prescribed in the Comprehensive Development Ordinance, the proposed parking plan replicates the previous non-conforming plan, and is allowable within the parameters of reclaiming existing non-conformities in a site lost to catastrophe. See **Sec. 5.3.8, Rebuilding after Catastrophe, (d)**.

Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5" – 3" at planting.

The proposal, with 5 parking spaces, does not rise to the level of requiring shading. However, one area of landscaping is proposed, in the same location as the previous site configuration prior to the fire.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

Curb stops are recommended to assure a separation between pedestrians and vehicles.

Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.

Article 8 (Parking) requires bicycle parking for every 4 units (long-term), and every 10 units (short term.) The application proposal must provide two long-term bicycle parking spaces. Sec. 8.2.5 (c) states: "Where bicycle parking is required, the minimum number of bicycle parking spaces provided at each site shall be two..."

(m) Landscaping and Fences:

The applicant proposes a small landscaped area between the sidewalk and the parking area on North Champlain Street, which is located in the location of the original planting bed, and will soften and act as a buffer in the area between the public sidewalk and the parking lot.

(n) Public Plazas and Open Space:

None proposed.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2. If the applicant proposes outdoor lighting fixtures, spec sheets need to be submitted to staff for review and approval.

(p) Integrate infrastructure into the design:

Elevations notes the location of heating vents on the north; electric and gas meters are proposed within the south porch entrance area. The location of mailboxes needs to be defined.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring

properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

There is no indication that the design or mechanical equipment threaten to emit heat, vapor, fumes, vibration or noise.

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. Massing, Height and Scale:

The proposed design mimics an existing building type common to the Old North End, with architectural references to other buildings within the neighborhood. The most important physical attribute is the size and massing of the proposed building: It firmly hugs the streetcorner, presenting an open face to North Street, yet handsome frontage on North Champlain Street. In massing, height, and scale, it compliments the streetscape and echos the familiar pattern of building presence in the Old North End.

2. Roofs and Rooflines.

The flat roofed multi-story residential building is a common attribute of the neighborhood and the building pattern of Burlington's Old North End.

3. Building Openings

Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an "accessible route" to the building. Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.

The submitted design has access to one unit centralled located on the North Street façade, yet it acts as a familiar and welcoming feature that blends nicely with the building and streetscape. Access to other units will be from the south façade, either through or under proposed open porches. The porch will provide a welcome measure of shelter from inclement weather conditions.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. The windows are symmetrically places, consistent with the historic building pattern of the neighborhood and echoing other structures within the immediate vicinity.

Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise they should be setback a minimum of 5-feet.

The east wall, which directly abuts an existing single story structure, is proposed to be of a fire-rated construction and without openings.

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

The re-establishment of a multi-story structure at this corner will help define and help re-establish those view-corridors the ordinance seeks to protect.

(d) Provide an active and inviting street edge:

The proposed three story building appears to successfully speak the same familiar architectural language as the rest of the neighborhood; it will stand shoulder-to-shoulder with an existing commercial use, yet sidle up to the public sidewalk on two streetfrontages. In appearance and street presence, it echos existing structural examples.

(e) Quality of materials:

Materials proposed include horizontal spruce clapbord siding, wood trim, decorative shingles, and presumably hardiboard siding for the necessary firerating on the east elevation. The proposed roofing material is rubber membrane, while the windows are 2/1 double hung from a major manufacturer.

(f) Reduce energy utilization:

New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

All construction will be required to meet energy efficiency guidelines as defined by Burlington Electric Department.

(g) Make advertising features complementary to the site:

No signage is proposed.

(h) Integrate infrastructure into the building design:

See Sec. 6.2.2. p., above.

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

Development shall be required to meet all building and life safety code as defined by the building inspector and Burlington's Fire Marshal.

Sec. 5.3.8: Rebuilding After Catastrophe

If the structure housing a nonconforming use or a nonconforming structure is damaged by fire, explosion, or other catastrophe, and no government investigation determines that the damage resulted from the owner's intentional conduct or gross negligence the use may be restored or the structure rebuilt subject to the following provisions:

(a) A zoning permit shall be obtained;

This application is the result of that effort.

(b) Any restoration or rebuilding which results in a modification of exterior features or to the site plan shall be subject to the provisions of [REDACTED] where applicable;

Restoration has not been deemed possible. Reconstruction at the site is proposed. Applicable sections of the ordinance will be exercised upon review by the DRB.

(c) A nonconforming use shall not be expanded in size or intensity beyond its extent prior to the catastrophe. If a nonconforming use is relocated and becomes operational in an area where it is a permitted use as a result of a catastrophe, it shall not be reestablished as a nonconforming use;

At the time of the fire, the building remained a mixed use structure, the residential use (a conforming, allowable use) to be continued with redevelopment.

(d) Noncompliance, in terms of dimensional regulations or parking requirements, shall not be increased beyond what existed prior to the catastrophe and, where physically possible, shall come into compliance;

The previous parking was non-compliant, with 5 parking spaces on site and **had been issued a 2 space parking waiver**. The parking plan proposed with redevelopment includes 5 on-site parking spaces, with a request for a **one space waiver**. There is no attempt to increase the degree of non-conformity.

(e) If the structure is a nonconforming non-residential structure, determined to be 50% or more destroyed as determined by the City's building inspector, any reconstruction must be in full conformity with then existing zoning regulations, except that a building that is listed or eligible for listing on the National or State Registers of Historic Places may be reconstructed in accordance with the provisions of Secretary of the Interior's Standards for Rehabilitation, where such reconstruction is approved pursuant to the requirements of Art. 3, Part 5 Conditional Use Review;

The building was on the National Register of Historic Places; therefore redevelopment will be reviewed under such standards.

and

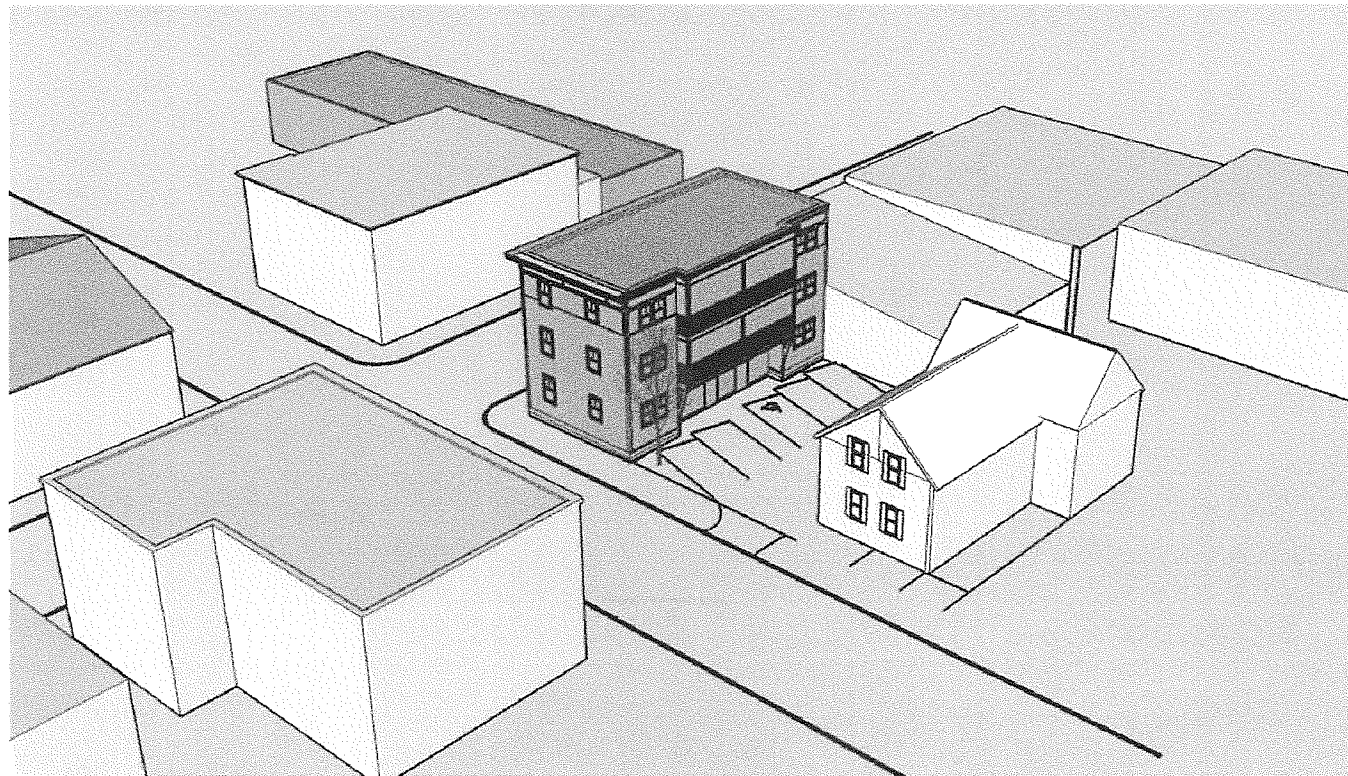
*(f) Such restoration or reconstruction shall be completed **within one year** after such catastrophe unless extended in accordance with [REDACTED].*

The original permit for demolition included this timeline, which was extended per a provision of the Comprehensive Development Ordinance and approved April 2011.

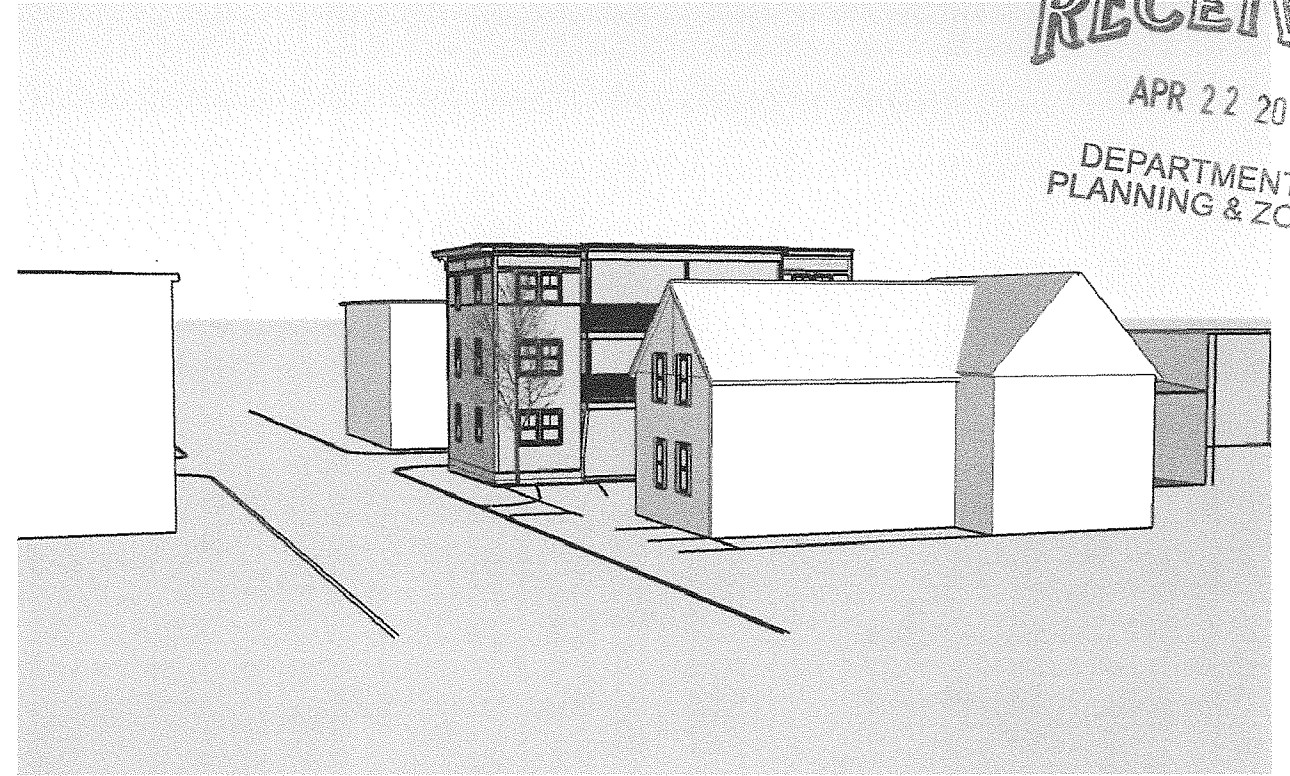
Recommendation: Approval, per the following conditions:

1. Impact fees will be assessed, allowing credit for previous use and occupancy.
2. Two bicycle parking spaces shall be provided.
3. If the applicant proposes outdoor lighting fixtures, spec sheets need to be submitted to staff for review and approval.
4. The location of unit mailboxes needs to be defined.

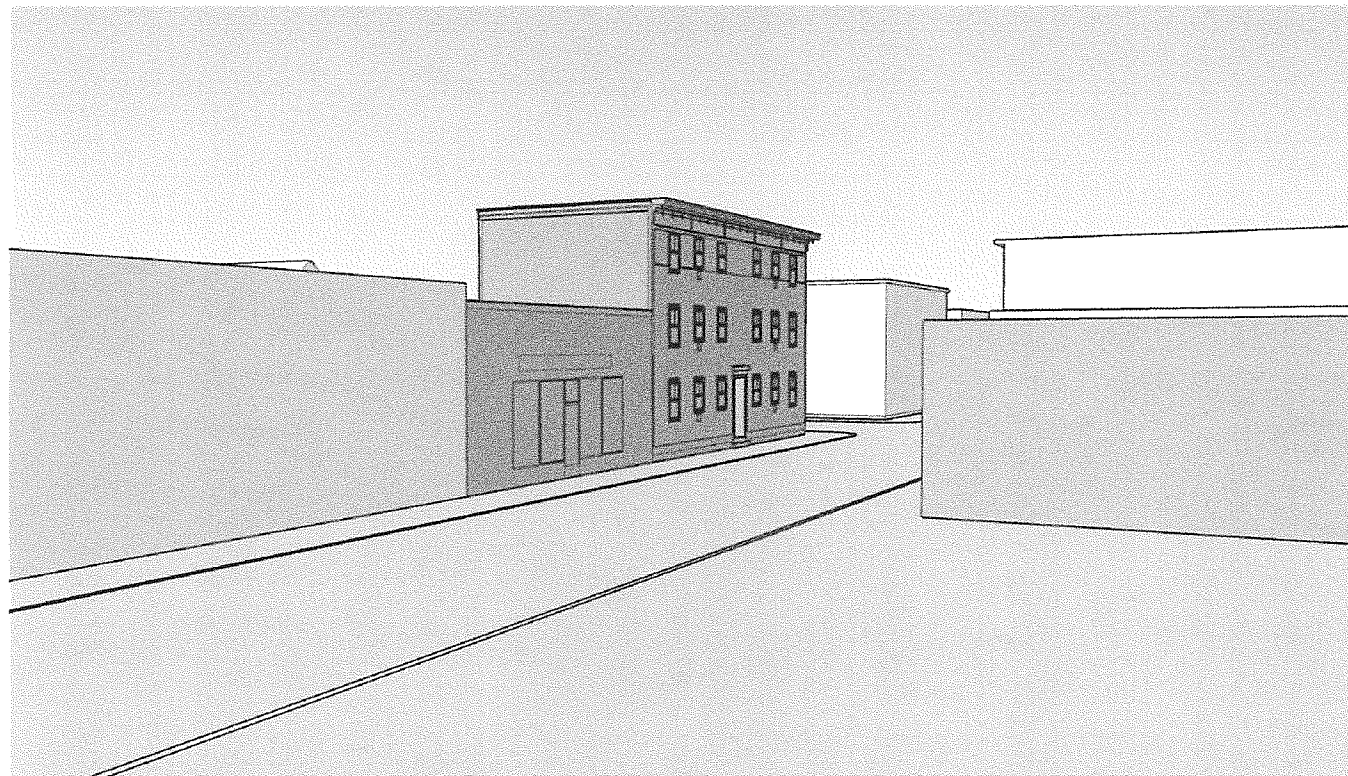
5. This is a shared-use parking district, requiring 1 parking space per unit. Six residential units are proposed. Given the historic intensity of use at this corner, and the proposal for 6 new dwelling units (including one handicap accessible and one inclusionary unit), staff supports a **one-space parking waiver** as reasonable, subject to owner's agreement to **identify one unit without parking** per written lease arrangement. Previous permitting at this site implemented this strategy successfully. Review of the likely housing/occupancy characteristics of the property, proximity to downtown, and the immediate availability and frequency of bus transit, consideration may be made to satisfy a Parking Management Plan per Sec. 8.1.15.



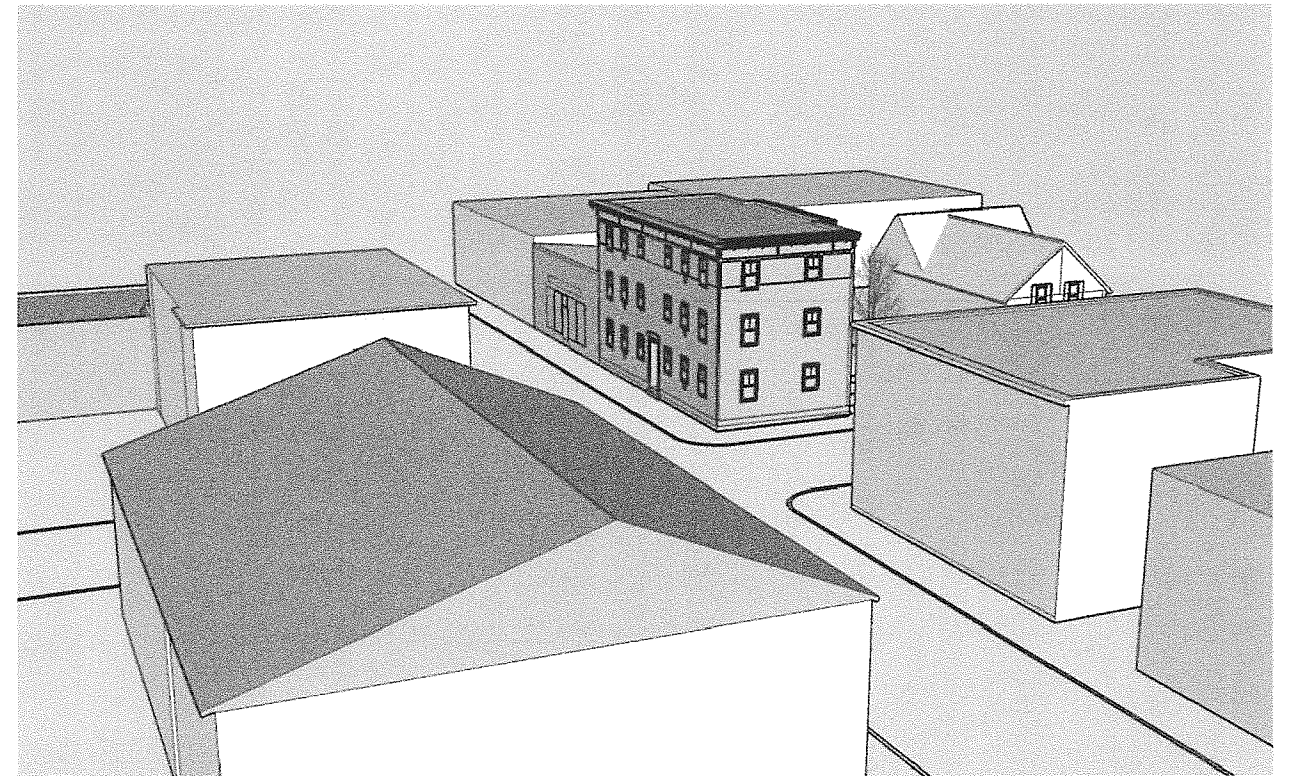
AERIAL PERSPECTIVE



NORTH CHAMPLAIN STREET PERSPECTIVE



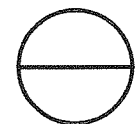
STREET VIEW DOWN NORTH STREET



AERIAL PERSPECTIVE

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Perspectives

SCALE: N.T.S.

Apartment Housing Design For:
Stu McGowan

Location:
**142-144 North Champlain Street
Burlington, VT 05401**



SHOELESS KONSTRUCTION
107 INTERVALE AVENUE
BURLINGTON, VT 05401

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EXISTING/PREVIOUS SITE:

Building: (25.5' x 51')	1300.5 sqft
Parking Area: (32.75' x 51')	1670.25 sqft
total=	2970.75 sqft

Lot size: (51' x 58.4') 2,978.4 sqft

Previous Coverage: $(2970.75/2978.4) \times 100 = 99.7\%$

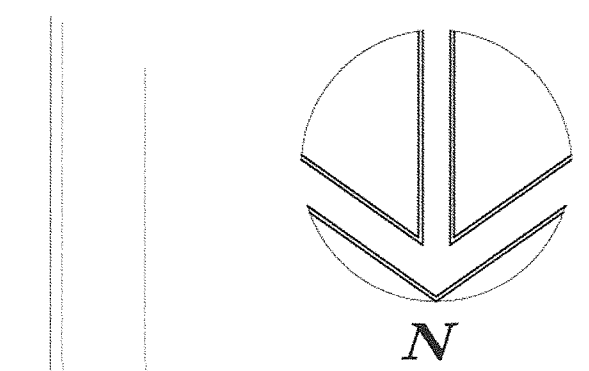
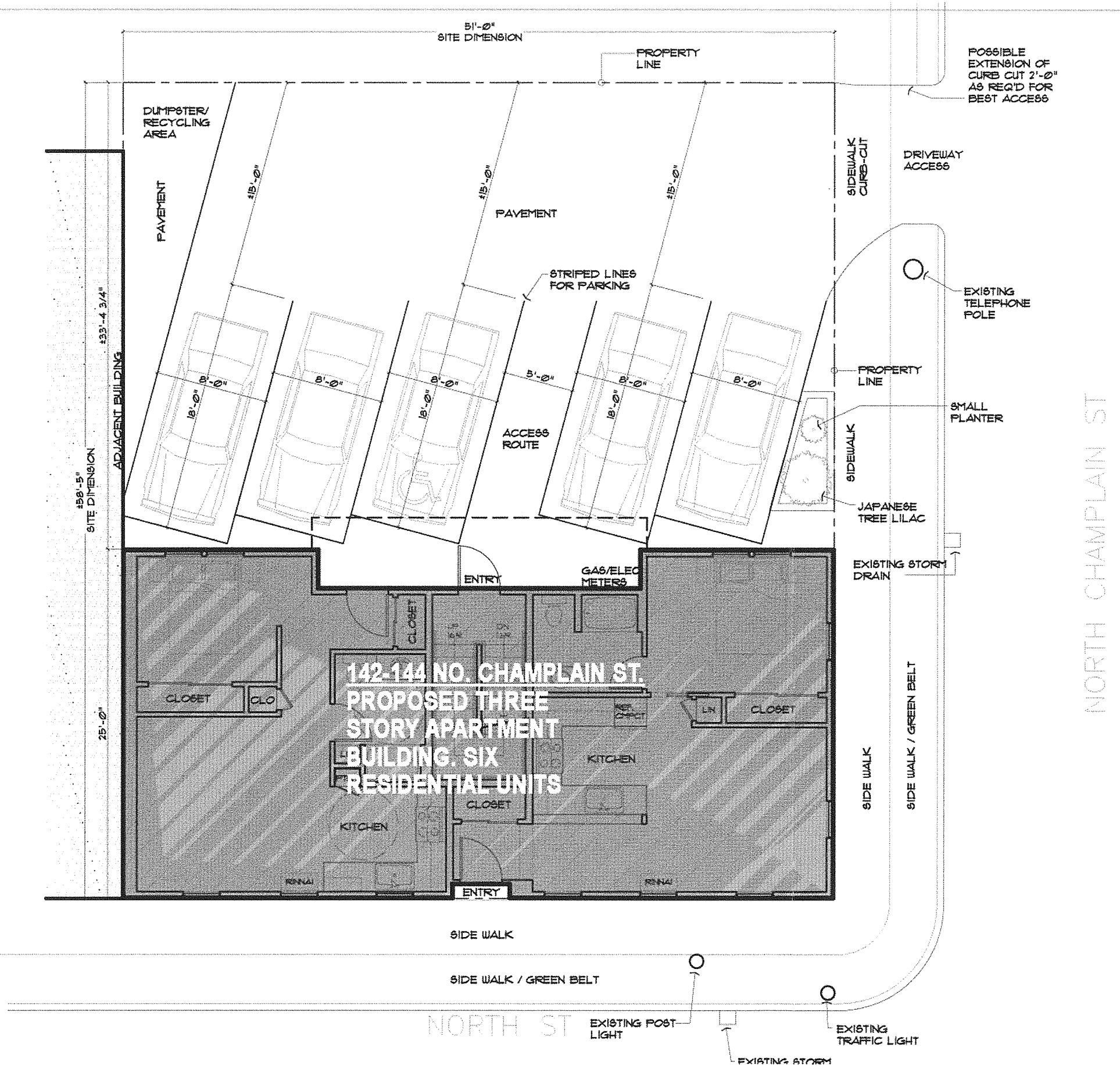
*note: previous building burned down.
calculations are based on previously approved plan.*

PROPOSED:

Building: +,-(25' x 51')	1212.0 sqft
Paved Parking Area: +,-(33.3' x 51')	1727.7sqft
total=	2939.7 sqft

Lot size: (51' x 58.4') 2,978.4 sqft

Proposed Coverage: $(2939.7/2978.4) \times 100 = 98.7\%$




NOTE:
THIS IS NOT A SURVEY, INFORMATION
SHOWN HERE WAS DERIVED FROM THE
BURLINGTON TAX RECORD MAPS

Proposed Site Plan
SCALE: 1/8"=1'-0"

Apartment Housing Design For:
Stu McGowan

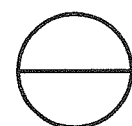
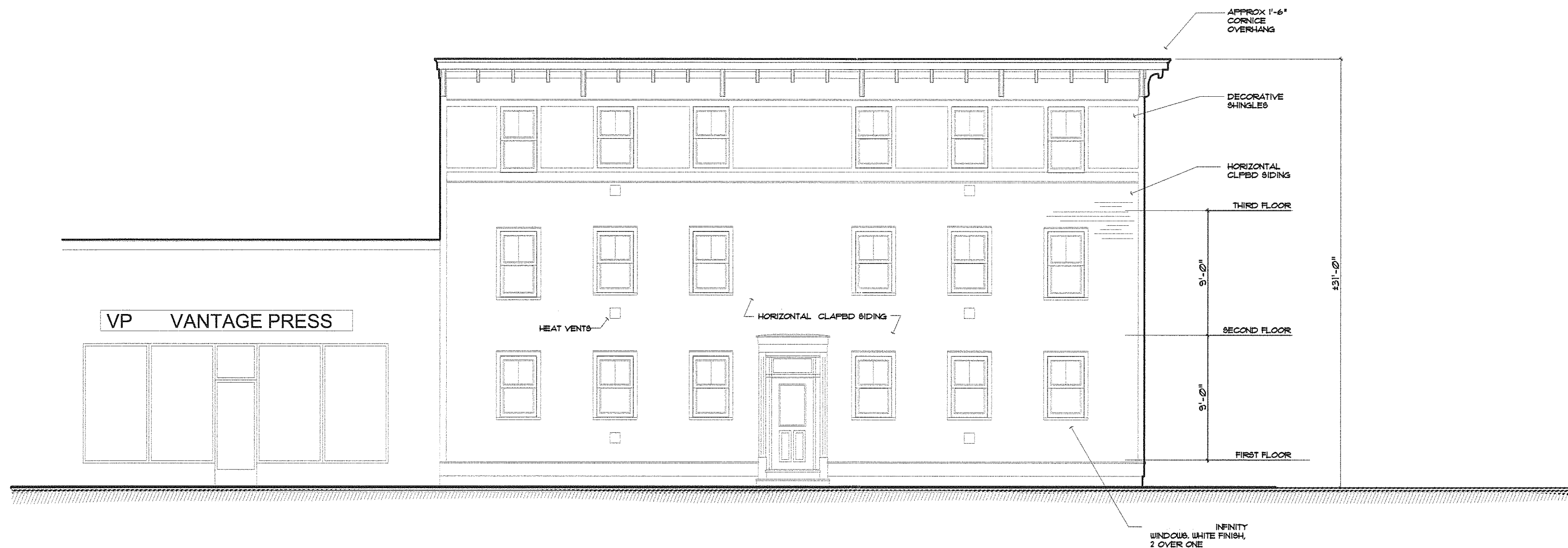
Location:
**142-144 North Champlain Street
Burlington, VT 05401**

 **SHOELESS KONSTRUCTION**
107 INTERVALE AVENUE
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Proposed North Elevation

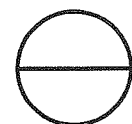
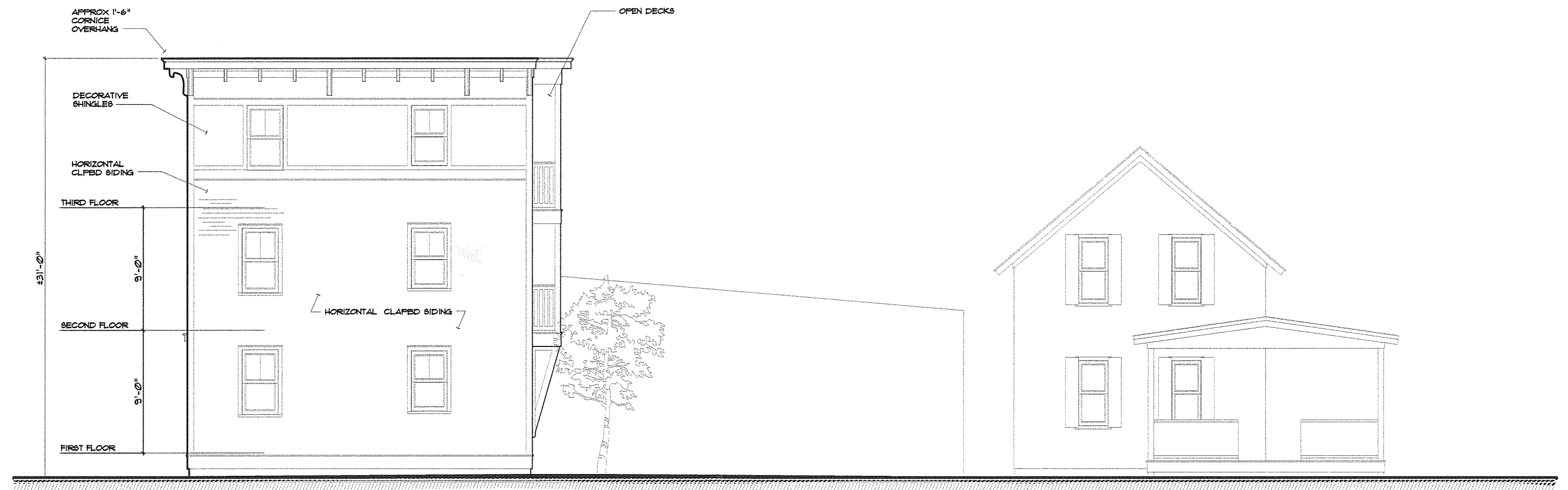
SCALE: 1/8"=1'-0"

Apartment Housing Design For:
Stu McGowan

Location:
**142-144 North Champlain Street
Burlington, VT 05401**



SHOELESS KONSTRUCTION
107 INTERVALE AVENUE
BURLINGTON, VT 05401



Proposed West Elevation

SCALE: 1/8" = 1'-0"

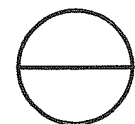
Apartment Housing Design For:
Stu McGowan

Location:
**142-144 North Champlain Street
Burlington, VT 05401**



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107 INTERVALE AVENUE
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Proposed South Elevation

SCALE: 1/8"=1'-0"

Apartment Housing Design For:
Stu McGowan

Location:
**142-144 North Champlain Street
Burlington, VT 05401**

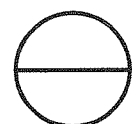
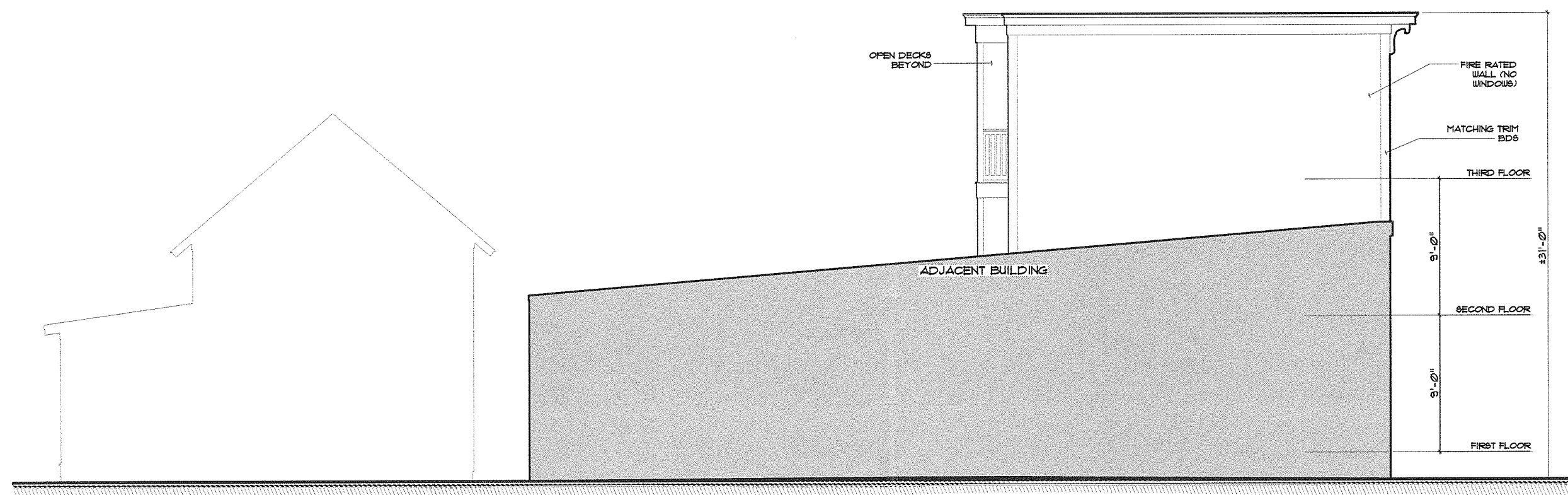


S19 SMOELESS KONSTRUCTION
107 INTERVALE AVENUE
BURLINGTON, VT 05401

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PLANNING & ZONING



Proposed East Elevation

SCALE: 1/8"=1'-0"

Apartment Housing Design For:
Stu McGowan

Location:
**142-144 North Champlain Street
Burlington, VT 05401**



SLOELESS KONSTRUCTION
107 INTERVALE AVENUE
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-SITE PHOTOS
-WINDOW CUT SHEETS
-ADDITIONAL SITE INFO.

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North Winooski Ave.

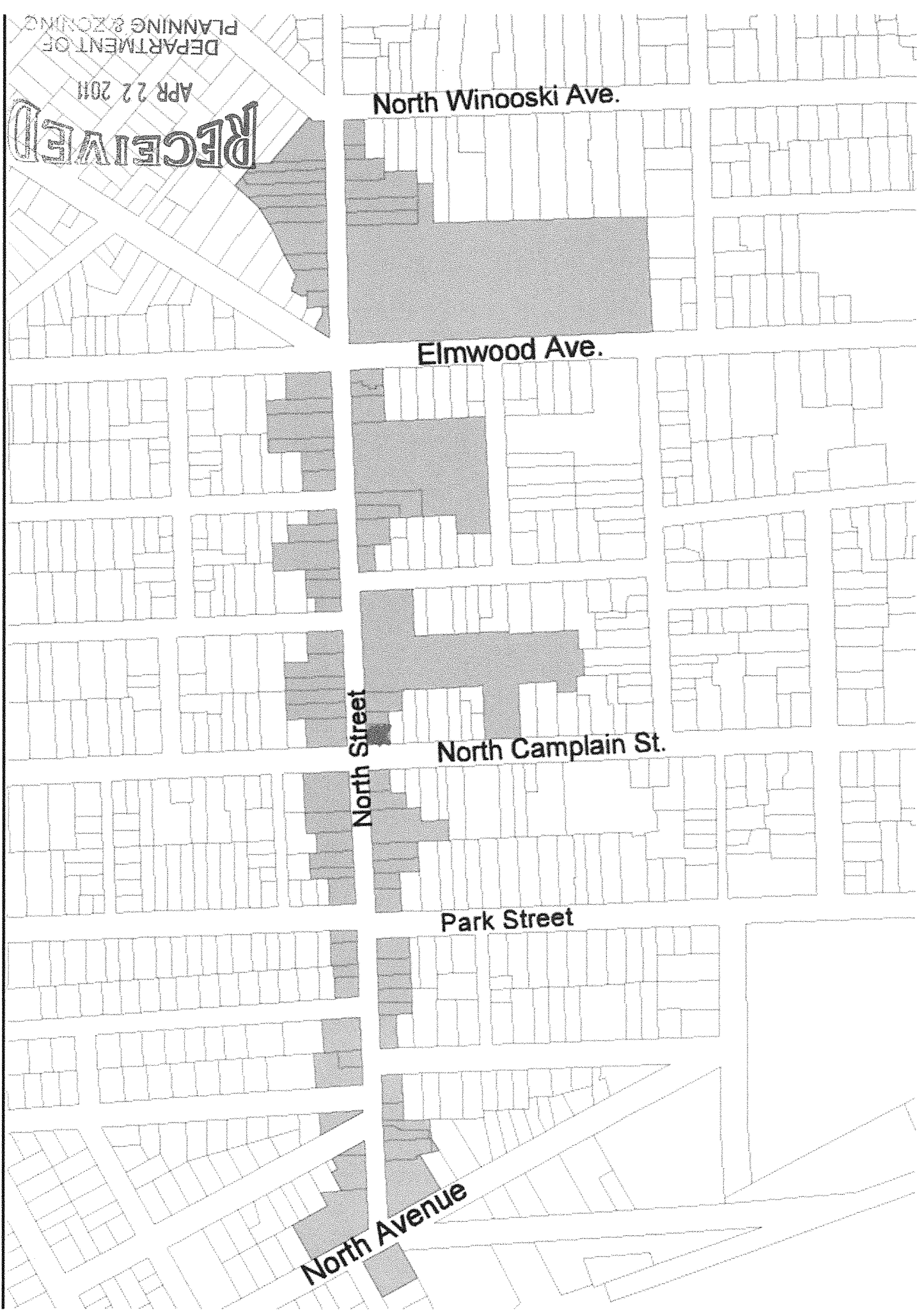
Elmwood Ave.

North Street

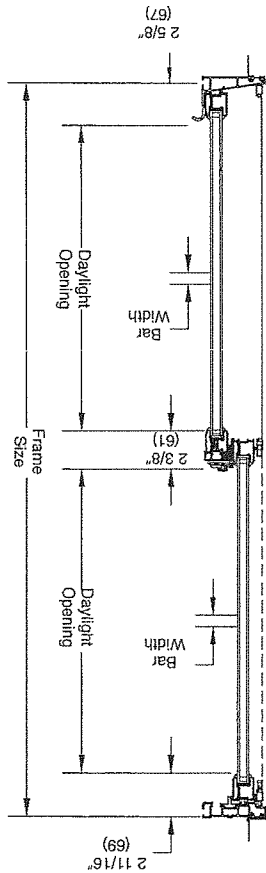
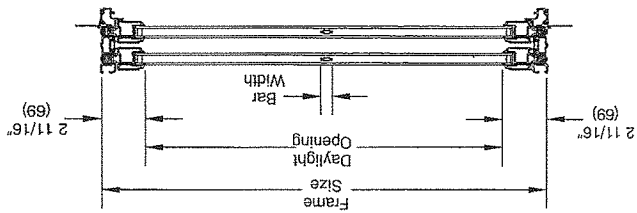
North Camplain St.

Park Street

North Avenue



INFINITY DOUBLE HUNG RECTANGULAR DAYLIGHT OPENING CALCULATIONS



Conversion Formula:

$$\frac{\text{DLO} - \text{Total Bar(s) Width}}{\text{Number of Lites}} = \text{Individual DLO}$$

Bar Widths
 SDL Bar Width = 7/8"
 GBG Width = 11/16"

NOTE:

For additional information on individual daylight opening please contact your Infinity representative

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 PLANNING & ZONING

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NORTH ST

Month	Number of Cases
March 2020	0
May 2020	160
July 2020	40
September 2020	20
November 2020	160
January 2021	40
March 2021	20

